

ARTICLE 7

Law Enforcement Training

29-7-1. Short title.

Chapter 29, Article 7 NMSA 1978 may be cited as the "Law Enforcement Training Act".

History: 1953 Comp., § 39-6-1, enacted by Laws 1969, ch. 264, § 1; 1970, ch. 48, § 1; 1981, ch. 114, § 1; 1993, ch. 255, § 1.

ANNOTATIONS

The 1993 amendment, effective July 1, 1993, substituted "Chapter 29, Article 7 NMSA 1978" for "Sections 29-7-1 through 29-7-11".

29-7-2. Academy established.

The "New Mexico law enforcement academy" is established to provide a planned program of basic law enforcement training and in-service law enforcement training for police officers and to furnish instruction and seminars to constantly upgrade law enforcement within the state.

History: 1953 Comp., § 39-6-2, enacted by Laws 1969, ch. 264, § 2; 1970, ch. 48, § 2; 1981, ch. 114, § 2.

ANNOTATIONS

Am. Jur. 2d, A.L.R. and C.J.S. references. — Liability of supervisory officials and governmental entities for having failed to adequately train, supervise, or control individual peace officers who violate plaintiff's civil rights under 42 USCS § 1983, 70 A.L.R. Fed. 17.

29-7-3. New Mexico law enforcement academy board.

A. There is created the "New Mexico law enforcement academy board".

B. The academy shall be controlled and supervised by policy set by the board. The board shall be composed of the attorney general, who shall serve automatically by reason of office and serve as chair of the board, and eight members who are qualified electors to be appointed by the governor and confirmed by the senate. An appointed board member shall serve and have all of the duties, responsibilities and authority of that office during the period prior to the final action by the senate in confirming or rejecting the appointment.

C. Appointments to the board shall be for terms of four years or less made in such manner that the terms of not more than two members expire on July 1 of each year. At all times, the board shall have represented on it, as members, one municipal police chief, one sheriff, one state police officer, one attorney who is currently employed in a district attorney's office, one certified police chief of a New Mexico Indian tribe or pueblo, one certified New Mexico police officer holding the rank of sergeant or below and two citizen-at-large members, neither of whom shall be a police officer or retired police officer or have familial or financial connections to a police officer or any agency or department for which a police officer works. Vacancies shall be filled by the governor for the unexpired term.

D. Members of the board shall receive, for their service as members of the board, per diem and mileage as provided in the Per Diem and Mileage Act [10-8-1 through 10-8-8 NMSA 1978].

History: 1978 Comp., § 29-7-3, enacted by Laws 1979, ch. 202, § 42; 1983, ch. 121, § 1; 1993, ch. 250, § 1; 1993, ch. 255, § 2; 1994, ch. 39, § 1; 2015, ch. 3, § 22.

ANNOTATIONS

Repeals and reenactments. — Laws 1977, ch. 257, § 51 repealed a former 39-6-3, 1953 Comp., relating to the academy board, and enacted a new 39-6-3, 1953 Comp. (29-7-3 NMSA 1978).

Laws 1979, ch. 202, § 42 repealed former 29-7-3 NMSA 1978, relating to the control and management of the law enforcement academy, and enacted a new 29-7-3 NMSA 1978.

The 2015 amendment, effective July 1, 2015, provided for the reorganization of the department of public safety by amending the qualifications for the composition of the New Mexico law enforcement academy board; in Subsection B, after "reason of", deleted "his", after "serve as", deleted "chairman" and added "chair", and after "of the board, and", deleted "six" and added "eight"; in Subsection C, deleted "On or before July 1, 1994, the governor shall increase the number of members on the board to eight by appointing two additional members. The seventh member of the board shall be a citizen at-large member whose term shall end on July 1, 1996. The eighth member of the board shall be a police officer who is a New Mexico certified police officer, holding the rank of sergeant or below at the time of his appointment, and whose term shall end on July 1, 1996 or sooner if he retires or is deactivated from duty for longer than thirty days.", after "police officer, one", deleted "district", after "attorney", added "who is currently employed in a district attorney's office", and after "citizen-at-large members", added the remainder of the sentence.

The 1994 amendment, effective May 18, 1994, deleted "not later than July 1, 1983" following "governor" in the second sentence in Subsection B; and, in Subsection C, substituted the first three sentences for the former first three sentences, relating to appointment of the first board members, and substituted "Appointments to the board" for "Thereafter, all appointments" in the fourth sentence and "one certified New Mexico police officer holding the rank of sergeant or below and two citizen-at-large members" for "and one citizen-at-large member" in the next-to-last sentence.

The 1993 amendment, effective July 1, 1993, substituted "academy" for "New Mexico law enforcement academy" in the first sentence of Subsection B.

29-7-4. Powers and duties of board.

The board shall:

- A. approve or disapprove the appointment of the director by the secretary;
- B. develop and implement a planned program of:
 - (1) basic law enforcement training and in-service law enforcement training, a portion of which may be conducted on a regional basis; and
 - (2) basic telecommunicator training and in-service telecommunicator training, as provided in the Public Safety Telecommunicator Training Act [29-7C-1 to 29-7C-9 NMSA 1978], a portion of which may be conducted on a regional basis;
- C. prescribe qualifications for instructors and prescribe courses of instruction for:
 - (1) basic law enforcement training and in-service law enforcement training; and
 - (2) basic telecommunicator training and in-service telecommunicator training, as provided in the Public Safety Telecommunicator Training Act;
- D. report annually to the governor;
- E. in its discretion, accept donations, contributions, grants or gifts from whatever source for the benefit of the academy, which donations, contributions, grants or gifts are appropriated for the use of the academy;
- F. adopt, publish and file, in accordance with the provisions of the State Rules Act [Chapter 14, Article 4 NMSA 1978], all regulations and rules concerning the operation of the academy and the implementation and enforcement of the provisions of the Law Enforcement Training Act and the Public Safety Telecommunicator Training Act;
- G. issue, grant, deny, renew, suspend or revoke a:
 - (1) peace officer's certification for any cause set forth in the provisions of the Law Enforcement Training Act; and
 - (2) telecommunicator's certification for any just cause set forth in the Public Safety Telecommunicator Training Act;
- H. administer oaths, subpoena persons and take testimony on any matter within the board's jurisdiction; and
- I. perform all other acts appropriate to the development and operation of the academy.

History: 1953 Comp., § 39-6-6, enacted by Laws 1969, ch. 264, § 6; 1970, ch. 48, § 4; 1977, ch. 257, § 52; 1979, ch. 202, § 43; 1981, ch. 114, § 3; 1987, ch. 254, § 20; 1993, ch. 255, § 3; 2003, ch. 320, § 1.

ANNOTATIONS

The 2003 amendment, effective July 1, 2003, in Subsection A deleted "of the academy" following "of the director" and deleted "of public safety" following "by the secretary"; rewrote former Subsection B to create present Subsection B and Paragraph B(1); added Subsection B(2); rewrote former Subsection C to create present Subsection C and Paragraph C(1); added Subsection C(2); inserted

"and the Public Safety Telecommunicator Training Act" following "Law Enforcement Training Act" near the end of Subsection F; rewrote former Subsection G to create present Subsection G and Paragraph G(1); added Subsection G(2); and inserted "subpoena persons" following "administer oaths," in Subsection H.

The 1993 amendment, effective July 1, 1993, deleted former Subsection F, which read "promulgate rules concerning the operation of the academy; and"; added present Subsections F, G, and H; and redesignated former Subsection G as present Subsection I.

Board is authorized to set qualifications for instructors at the academy. 1982 Op. Att'y Gen. No. 82-10.

Qualifications for instructors at facilities independent of academy. — Police officers may receive basic law enforcement training at a facility which offers a program which is comparable to or exceeds the standards of the programs of the law enforcement academy. If such comparable programs are offered by a regional training facility certified by the director of the academy with the approval of the board, the board has the authority to prescribe qualifications for instructors. However, if such comparable programs are offered by facilities which are established independently of the law enforcement academy, the board cannot have given that authority. 1982 Op. Att'y Gen. No. 82-10.

29-7-4.1. Domestic abuse incident training.

Domestic abuse incident training that includes information on strangulation shall be included in the curriculum of each basic law enforcement training class. Domestic abuse incident training shall be included as a component of in-service training each year for certified police officers.

History: Laws 2002, ch. 34, § 3; 2002, ch. 35, § 3; 2018, ch. 37, § 1.

ANNOTATIONS

The 2018 amendment, effective July 1, 2018, required that information on strangulation be included in domestic abuse incident training in the curriculum of each basic law enforcement training class; and after "Domestic abuse incident training", added "that includes information on strangulation".

29-7-4.2. Child abuse incident training.

Child abuse incident training shall be included in the curriculum of each basic law enforcement training class. Child abuse incident training shall be included as a component of in-service training each year for certified police officers.

History: Laws 2011, ch. 49, § 1.

ANNOTATIONS

Effective dates. — Laws 2011, ch. 49, § 2 made Laws 2011, ch. 49, § 1 effective July 1, 2011.

29-7-5. Powers and duties of the director.

The director shall:

- A. be the chief executive officer of the academy and employ necessary personnel;
- B. issue a certificate of completion to any person who:

(1) graduates from an approved basic law enforcement training program and who satisfies the qualifications for certification as set forth in Section 29-7-6 NMSA 1978; or

(2) graduates from an approved basic telecommunicator training program and who satisfies the qualifications for certification as set forth in the Public Safety Telecommunicator Training Act [29-7C-1 to 29-7C-9 NMSA 1978];

C. perform all other acts necessary and appropriate to the carrying out of his duties;

D. act as executive secretary to the board;

E. carry out the policy as set by the board; and

F. annually evaluate the courses of instruction being offered by the academy and make necessary modifications and adjustments to the programs.

History: 1953 Comp., § 39-6-7, enacted by Laws 1969, ch. 264, § 7; 1977, ch. 257, § 53; 1978, ch. 2, § 1; 1979, ch. 202, § 44; 1981, ch. 114, § 4; 1993, ch. 255, § 4; 2003, ch. 320, § 2.

ANNOTATIONS

The 2003 amendment, effective July 1, 2003, rewrote former Subsection B to create present Subsection B and Paragraph B(1) and added Paragraph B(2).

The 1993 amendment, effective July 1, 1993, deleted "as such" preceding "employ" in Subsection A; deleted former Subsection B, which read "certify graduates of approved basic law enforcement training programs in accordance with Section 29-7-8 NMSA 1978"; deleted former Subsection C, which read "issue appropriate certifications to graduates of the academy programs"; added present Subsection B; and redesignated Subsections D through G as C through F, respectively.

29-7-5.1. Removal of director.

The director may be removed by the board in accordance with the procedures provided in Section 29-2-11 NMSA 1978 for removal of members of the New Mexico state police holding permanent commissions. In the case of removal proceedings for the director under that section, "commission", as used in Subsections C and D of Section 29-2-11 NMSA 1978, shall be construed to mean the New Mexico law enforcement academy board.

History: 1978 Comp., § 29-7-5.1, enacted by Laws 1979, ch. 202, § 45; 1993, ch. 255, § 5; 2015, ch. 3, § 23.

ANNOTATIONS

The 2015 amendment, effective July 1, 2015, provided for the reorganization of the department of public safety by clarifying language relating to the procedures for removal of the director of the New Mexico law enforcement academy; in the second sentence, after "section", deleted "the words 'New Mexico state police board' or 'board'", and added "'commission' as used in Subsections C and D of Section 29-2-11 NMSA 1978".

The 1993 amendment, effective July 1, 1993, in the first sentence, substituted "director" for "director of the New Mexico law enforcement academy" and substituted "board" for "New Mexico law enforcement academy board" and in the second sentence, substituted "that section" for "Section 29-2-11 NMSA".

29-7-6. Qualifications for certification.

A. An applicant for certification shall provide evidence satisfactory to the board that he:

- (1) is a citizen of the United States and has reached the age of majority;
- (2) holds a high school diploma or the equivalent;
- (3) holds a valid driver's license;
- (4) has not been convicted of or pled guilty to or entered a plea of nolo contendere to any felony charge or, within the three-year period immediately preceding his application, to any violation of any federal or state law or local ordinance relating to aggravated assault, theft, driving while intoxicated, controlled substances or other crime involving moral turpitude and has not been released or discharged under dishonorable conditions from any of the armed forces of the United States;
- (5) after examination by a licensed physician, is free of any physical condition that might adversely affect his performance as a police officer or prohibit him from successfully completing a prescribed basic law enforcement training required by the Law Enforcement Training Act;
- (6) after examination by a certified psychologist, is free of any emotional or mental condition that might adversely affect his performance as a police officer or prohibit him from successfully completing a prescribed basic law enforcement training required by the Law Enforcement Training Act;
- (7) is of good moral character;
- (8) has met any other requirements for certification prescribed by the board pursuant to regulations adopted by the board; and
- (9) has previously been awarded a certificate of completion by the director attesting to the applicant's completion of an approved law enforcement training program.

B. A person employed as a police officer by any law enforcement agency in this state shall forfeit his position unless, no later than twelve months after beginning his employment as a police officer, the person satisfies the qualifications for certification set forth in Subsection A of this section and is awarded a certificate attesting to that fact.

History: 1978 Comp., § 29-7-6, enacted by **Laws 1993, ch. 255, § 6**.

ANNOTATIONS

Repeals and reenactments. — Laws 1993, ch. 255, § 6 repealed former 29-7-6 NMSA 1978, as amended by Laws 1988, ch. 58, § 1, and enacted a new section, effective July 1, 1993. For provisions of former section, see the 1992 NMSA 1978 on *NMOneSource.com*.

Cross references. — For the inapplicability of the Criminal Offender Employment Act to law enforcement agencies, see 28-2-5 NMSA 1978.

Authority to act as a police officer prior to certification. — An officer who becomes employed as a police officer after a break in service that was not intended to circumvent the certification requirement is provided twelve (12) months from the date of the officer's new employment to obtain certification. *State v. Reyes*, 2009-NMCA-091, 146 N.M. 776, 215 P.3d 85, cert. denied, 2009-NMCERT-007, 147 N.M. 361, 223 P.3d 358.

Where a police officer was employed by a municipal police department and attended the police academy; after two months of employment, the officer dropped out of the police academy due to traffic violations and for two years, obtained different employment; the officer then restarted a career as a police officer by re-enrolling in the police academy and obtaining a job as an officer with a municipal police department; after four months of employment with the police department and while the officer was still in the police academy, the officer arrested defendant; and after the officer arrested defendant, within twelve months of the officer's employment with the police department, the officer completed training in the police academy and received police certification, the officer was authorized to perform the duties of a police officer when the officer arrested defendant. *State v. Reyes*, 2009-NMCA-091, 146 N.M. 776, 215 P.3d 85, cert. denied, 2009-NMCERT-007, 147 N.M. 361, 223 P.3d 358.

Health inquiry not necessarily excepted from ADA. — The fact that New Mexico law makes good health a prerequisite for police officer certification does not necessarily mean that inquiring into officer's health and terminating him as a result of his response falls within the "job-related and consistent with business necessity" exception of the Americans with Disabilities Act, 42 USC § 12112(d)(4)(A); whether an inquiry falls within this exception is a fact-intensive question, and the existence of the New Mexico law, although it supports such a finding, is only one fact to be considered. *Gonzales v. Sandoval Cnty.*, 2 F. Supp. 2d 1442 (D.N.M. 1998).

Forfeiture of position for failure to receive certificate of completion. — A deputy sheriff must forfeit the deputy sheriff's position if the deputy sheriff has not been awarded a certificate of completion by the director of the New Mexico law enforcement academy board attesting to the deputy sheriff's completion of an approved law enforcement training program within twelve months after beginning the deputy sheriff's employment as a deputy. 2009 Op. Att'y Gen. No. 09-01.

Decommissioning process for failure to receive certificate of completion. — The mechanical process of decommissioning a deputy sheriff, for failure to obtain a certificate under Subsection B of Section 29-7-6 NMSA 1978 or otherwise, is a matter for the reasonably exercised discretion of the sheriff. If a deputy sheriff fails to obtain a certificate, procedural due process would not require a hearing in order to terminate employment as a deputy sheriff and consequent revocation of the appointment or commission to act as such. 2009 Op. Att'y Gen. No. 09-01

A merit system ordinance does not override the forfeiture provision. — There is no indication that the legislature intended that a merit system ordinance enacted by a county pursuant to Section 4-41-5 NMSA 1978, as further authorized by Section 4-41-6 NMSA 1978, overrides the "forfeiture" provision of Subsection B of Section 29-7-6 NMSA 1978. 2009 Op. Att'y Gen. No. 09-01.

Regulations cannot be waived. — A county sheriff and a board of county commissioners do not have the authority to waive or otherwise disregard the regulations promulgated by the law enforcement academy board where a deputy sheriff fails to submit to the department of public safety training and recruiting division an application for certification and required supporting documentation within fourteen days of the deputy sheriff's employment as a deputy sheriff, as set forth in 10.29.9.18 (C) NMAC, or within thirty days of his employment, as set forth in 10.29.9.10 (B)(1) NMAC. 2009 Op. Att'y Gen. No. **09-01**.

Must reach eighteenth birthday. — One who has reached his eighteenth birthday is entitled to apply for, and be admitted to, the New Mexico law enforcement academy, provided he meets the other requirements specified in the section. 1971 Op. Att'y Gen. No. **71-126**.

Candidate with general discharge from military may be certified. — A candidate for admission to the law enforcement academy who received a general discharge from the military may be certified as a police officer. In order to comply with constitutional and statutory requirements, the academy should evaluate candidates who have received general discharges on an individual basis. The circumstances surrounding the discharge should be evaluated to determine if the discharge was predicated on reasons which would render the applicant ineligible for certification. In the absence of such circumstances, applicants with general discharges should not be excluded solely because they received a general discharge. 1989 Op. Att'y Gen. No. **89-23**.

Effect of gubernatorial pardon on eligibility of convicted felon. — An unconditional gubernatorial pardon allows a person convicted of a felony to be eligible for certification by the law enforcement academy for permanent appointment as a police officer. However, if authorized by statute or regulation, a pardoned felon's character and the acts underlying the conviction may be considered in certification or licensing. 1992 Op. Att'y Gen. No. **92-09**.

Am. Jur. 2d, A.L.R. and C.J.S. references. — 70 Am. Jur. 2d Sheriffs, Police, and Constables § 10.

Sex discrimination in law enforcement and corrections employment, 53 A.L.R. Fed. 31.

63 C.J.S. Municipal Corporations § 478 et seq.

29-7-6.1. County sheriffs; training requirement.

A. Every county sheriff, except sheriffs who have previously been awarded a certificate attesting to completion of a basic law enforcement training program, shall participate in and complete an administrative law enforcement training program no later than twelve months after the date the sheriff assumes office as a county sheriff.

B. The director shall establish the administrative law enforcement training program for county sheriffs, subject to review and approval by the executive committee of the sheriff's affiliate of the New Mexico association of counties.

C. A county sheriff's per diem, mileage and tuition expenses attributed to attendance at the administrative law enforcement training shall be paid for by the governing body of the county served by that sheriff.

History: 1978 Comp., § 29–7–6.1, enacted by Laws 1993, **ch. 255, § 7**; 2015, **ch. 3, § 24**.

ANNOTATIONS

The 2015 amendment, effective July 1, 2015, provided for the reorganization of the department of public safety by amending language relating to training requirements for county sheriffs; in Subsection A, after "date", deleted "he" and added "the sheriff"; and in Subsection B, after "director", deleted "of the training and recruiting division of the department of public safety".

29-7-7. Definitions.

For the purpose of the Law Enforcement Training Act:

- A. "academy" means the New Mexico law enforcement academy;
- B. "basic law enforcement training" means a course consisting of not less than four hundred hours of instruction in basic law enforcement training as required by the Law Enforcement Training Act;
- C. "board" means the New Mexico law enforcement academy board;
- D. "conviction" means an adjudication of guilt or a plea of no contest and includes convictions that are suspended or deferred;
- E. "director" means the director of the division;
- F. "division" means the New Mexico law enforcement academy of the department of public safety;
- G. "in-service law enforcement training" means a course of instruction required of all certified peace officers and designed to train and equip all police officers in the state with specific law enforcement skills and to ensure the continuing development of all police officers in the state. The training and instruction shall be kept current and may be conducted on a regional basis at the discretion of the director;
- H. "police officer" means any commissioned employee of a law enforcement agency that is part of or administered by the state or any political subdivision of the state, and includes any employee of a missile range civilian police department who is a graduate of a recognized certified regional law enforcement training facility and who is currently certifiable by the academy, which employee is responsible for the prevention and detection of crime or the enforcement of the penal, or traffic or highway laws of this state. The term specifically includes deputy sheriffs. Sheriffs are eligible to attend the academy and are eligible to receive certification as provided in the Law Enforcement Training Act. As used in this subsection, "commissioned" means an employee of a law enforcement agency who is authorized by a sheriff or chief of police to apprehend, arrest and bring before the court all violators within the state; and
- I. "certified regional law enforcement training facility" means a law enforcement training facility within the state certified by the director, with the approval of the academy's board of directors, that offers basic law enforcement training and in-service law enforcement training that is comparable to or exceeds the standards of the programs of the academy.

History: 1978 Comp., § 29-7-7, enacted by Laws 1981, ch. 114, § 6; 1988, ch. 58, § 2; 1993, **ch. 255, § 8**; 1997, **ch. 213, § 1**; 2015, **ch. 3, § 25**.

ANNOTATIONS

Repeals and reenactments. — Laws 1981, ch. 114, § 6 repealed former 29-7-7 NMSA 1978, relating to basic course minimum requirements, and enacted a new 29-7-7 NMSA 1978.

The 2015 amendment, effective July 1, 2015, provided for the reorganization of the department of public safety by clarifying definitions of the Law Enforcement Training Act; in Subsection E, after "director of the", deleted "academy" and added "division"; added new Subsection F, and redesignated the subsequent subsections accordingly; in the present Subsection G, after "officers", added "and"; and in the present Subsection H, after "certifiable by the", deleted "New Mexico law enforcement".

The 1997 amendment, effective June 20, 1997, inserted "and includes any employee of a missile range civilian police department who is a graduate of a recognized certified regional law enforcement training facility, and who is currently certifiable by the New Mexico law enforcement academy" in the first sentence of Subsection G.

The 1993 amendment, effective July 1, 1993, substituted "the Law Enforcement Training Act" for "this Act" in Subsection B; added present Subsection D; redesignated former Subsections D through G as E through H; substituted "academy" for "New Mexico law enforcement academy" in Subsection E; rewrote Subsection F; and made minor stylistic changes in Subsections G and H.

Police officers are public employees, not public officers, and have no sovereign power. *Walck v. City of Albuquerque*, 1994-NMCA-058, 117 N.M. 651, 875 P.2d 407, cert. denied, 118 N.M. 695, 884 P.2d 1174.

An agent of the department of alcoholic beverage control (ABC) is a "police officer" as defined in Subsection G and is required to satisfy the law enforcement certification requirement of former Section 29-7-8 NMSA 1978, even if the agent was hired by the department before the enactment of this section in 1981, which expanded the definition of "police officer" to include agents such as those employed by ABC. *Serrano v. State Dep't of Alcoholic Beverage Control*, 1992-NMCA-015, 113 N.M. 444, 827 P.2d 159.

"Police officer". — The livestock board in its capacity of enforcing the law is a "law enforcement agency", its officers are "police officers" for purposes of this section, and livestock inspectors have 12 months after employment in which to receive their certification from the law enforcement academy or forfeit their positions. 1987 Op. Att'y Gen. No. 87-34.

29-7-7.1. In-service law enforcement training; requirements; eligibility.

A. In-service law enforcement training consists of at least forty hours of academic instruction, approved by the board, for each certified police officer during each twenty-four month period of employment or service with a political subdivision. The first training course shall commence no later than twelve months after graduation from an approved basic law enforcement training program.

B. All certified police officers who are eligible for in-service training shall, during each twenty-four month period of employment, complete a minimum of forty hours of in-service law enforcement training in courses approved by the board. All certified police officers shall provide proof of completing in-service law enforcement training requirements to the director no later than March 1 of the year in which the requirements must be met. The director shall provide annual notice to all certified police officers regarding in-service law enforcement training requirements. Failure to complete in-service law enforcement training requirements may be grounds for suspension of a certified police officer's

certification. A police officer's certification may be reinstated by the board when the police officer presents the board with evidence of satisfying in-service law enforcement training requirements.

History: 1978 Comp., § 29-7-7.1, enacted by Laws 1981, ch. 114, § 7; 1993, **ch. 255, § 9**.

ANNOTATIONS

The 1993 amendment, effective July 1, 1993, rewrote this section.

In-service training not mandatory. — The legislature has required the establishment of in-service training programs by the law enforcement academy, but has not compelled attendance at such programs by imposing the sanction of forfeiture of employment. As police officers are not bound to obey the requirement for in-service training, it is not mandatory. 1981 Op. Att'y Gen. No. **81-10** (rendered under prior law).

29-7-7.2. Reports.

Every law enforcement agency within the state shall submit quarterly a report to the director on the status of each police officer employed by the law enforcement agency. The reports shall include the status of in-service law enforcement training. The reporting forms and submittal dates shall be prescribed by the director.

History: 1978 Comp., § 29-7-7.2, enacted by Laws 1981, ch. 114, § 8; 1988, ch. 58, § 3.

ANNOTATIONS

The 1988 amendment, effective July 1, 1988, added the second sentence.

29-7-7.3. Ensuring child safety upon arrest; training.

Training for ensuring child safety upon the arrest of a parent or guardian shall be included in the curriculum of each basic law enforcement training class and as a component of in-service training each year for certified police officers.

History: **Laws 2007, ch. 89, § 1**.

ANNOTATIONS

Effective dates. — Laws 2007, ch. 89, contained no effective date provision, but, pursuant to **N.M. Const., art. IV, § 23**, was effective June 15, 2007, 90 days after the adjournment of the legislature.

29-7-7.4. Missing person and AMBER alert training.

A minimum of four hours of combined missing person and AMBER alert training shall be included in the curriculum of each basic law enforcement training class. Missing person and AMBER alert training shall be included as a component of in-service training each year for certified police officers.

History: Laws 2010, ch. 33, § 1.

ANNOTATIONS

Effective dates. — Laws 2010, ch. 33 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective May 19, 2010, 90 days after the adjournment of the legislature.

29-7-7.5. Interaction with persons with mental impairments; training.

A. A minimum of forty hours of crisis management, including crisis intervention, confrontation de-escalation practicum and proper interaction with persons with mental impairments training, shall be included in the curriculum of each basic law enforcement training class.

B. A minimum of two hours of crisis management, including crisis intervention, confrontation de-escalation practicum and proper interaction with persons with mental impairments training, shall be included as a component of in-service law enforcement training pursuant to Section 29-7-7.1 NMSA 1978.

C. A pre-recorded course on crisis management, including crisis intervention, confrontation de-escalation practicum and proper interaction with persons with mental impairments training, shall not satisfy the requirements of the basic law enforcement training class required pursuant to Subsection A of this section.

D. As used in this section, "mental impairment" includes a mental illness, developmental disability, posttraumatic stress disorder, dual diagnosis, autism, youth in crisis and traumatic brain injury.

History: Laws 2011, ch. 180, § 1.

ANNOTATIONS

Effective dates. — Laws 2011, ch. 180, § 6 made Laws 2011, ch. 180, § 1 effective July 1, 2011.

Temporary provisions. — Laws 2011, ch. 180, § 3 provided:

A. The chief law enforcement officer of a state, county or municipal law enforcement agency who was elected or appointed prior to July 1, 2011 shall complete a minimum of two hours of crisis management, including crisis intervention, confrontation de-escalation practicum and proper interaction with persons with mental impairments training, no later than July 1, 2012.

B. A law enforcement officer who on September 1, 2010 held an intermediate proficiency certificate or an advanced proficiency certificate issued pursuant to Section 29-7-7.1 NMSA 1978 shall complete a minimum of two hours of crisis management, including crisis intervention, confrontation de-escalation practicum and proper interaction with persons with mental impairments training, no later than July 1, 2012.

C. As used in this section, "mental impairment" includes a mental illness, developmental disability, posttraumatic stress disorder, dual diagnosis, autism, youth in crisis and traumatic brain injury.

29-7-7.6. Law enforcement officers; naloxone rescue kit.

A. As agency funding and agency supplies of naloxone rescue kits permit, each local and state law enforcement agency shall provide naloxone rescue kits to its law enforcement officers and require that officers carry the naloxone rescue kits in accordance with agency procedures so as to optimize the officers' capacity to timely assist in the prevention of opioid overdoses.

B. Nothing in this section shall be construed to impose civil or criminal liability on a local or state law enforcement agency or law enforcement officer when ordinary care is used in the administration or provision of naloxone in cases where an individual appears to be experiencing an opioid overdose.

C. As used in this section:

(1) "naloxone" means naloxone hydrochloride, which is an opioid antagonist for the treatment of opioid overdose; and

(2) "naloxone rescue kit" means a kit containing:

(a) two doses of naloxone in either a generic form or in a form approved by the federal food and drug administration; and

(b) overdose education materials that conform to department of health or federal substance abuse and mental health services administration guidelines for opioid overdose education that explain the signs and causes of an opioid overdose and instruct when and how to administer in accordance with medical best practices: 1) life-saving rescue techniques; and 2) an opioid antagonist.

History: [Laws 2017, ch. 59, § 2.](#)

ANNOTATIONS

Effective dates. — Laws 2017, ch. 59 contained no effective date provision, but, pursuant to [N.M. Const., art. IV, § 23](#), was effective June 16, 2017, 90 days after the adjournment of the legislature.

29-7-7.7. Tourniquet and trauma kit training and distribution.

A. Tourniquet and trauma kit training shall be included in the curriculum of each basic law enforcement training class and as a component of in-service law enforcement training each year for certified police officers. The academy, in coordination with certified regional law enforcement training facilities, shall provide a tourniquet and trauma kit to each cadet who graduates from the academy or from a certified regional law enforcement training facility and to each previously certified police officer who attends a certification-by-waiver course.

B. The academy shall provide hands-on tourniquet and trauma kit training to all officers using tourniquet and trauma kit equipment designed for training purposes. The training shall be designed in a manner that will safely replicate field conditions without the risk of injury in order for officers to develop the necessary skills to use tourniquets and trauma kits. In order to supplement the hands-on training, the academy may produce a training video on the proper use of tourniquets and trauma kits for use in the academy and certified regional law enforcement training facilities.

C. The academy, in coordination with certified regional law enforcement training facilities, shall distribute a tourniquet and trauma kit to each police officer who has been certified pursuant to the Law Enforcement Training Act.

History: [Laws 2017, ch. 35, § 1](#).

ANNOTATIONS

Effective dates. — [Laws 2017, ch. 35, § 6](#) made [Laws 2017, ch. 35, § 1](#) effective July 1, 2017.

29-7-8. Repealed.

ANNOTATIONS

Repeals. — [Laws 1993, ch. 255, § 11](#) repealed [29-7-8](#) NMSA 1978, as enacted by Laws 1979, ch. 202, § 48, relating to prerequisites for permanent appointment and continued employment as a police officer, effective July 1, 1993. For provisions of former section, see the 1992 NMSA 1978 on *NMOneSource.com*.

29-7-9. Repealed.

ANNOTATIONS

Repeals. — Laws 1988, ch. 58, § 7 repealed former [29-7-9](#) NMSA 1978, as enacted by Laws 1971, ch. 247, § 3, relating to the definition of "police officer", effective July 1, 1988. For present comparable provisions, see [29-7-7](#) NMSA 1978.

29-7-10. Certification by waiver.

A. The director shall, with the approval of the board, waive the basic law enforcement training program and certify applicants who are employed as full-time police officers and who furnish evidence of satisfactory completion of a basic law enforcement training program which is comparable to or exceeds the standards of the programs of the academy.

B. All individuals allowed a waiver under this section must meet the requirements set out in the Law Enforcement Training Act, and this section shall not be construed to exempt them from such

requirements in any manner.

History: 1953 Comp., § 39-6-12, enacted by Laws 1971, ch. 247, § 4; 1977, ch. 257, § 54; 1979, ch. 104, § 1; 1979, ch. 202, § 49; 1981, ch. 107, § 1; 1981, ch. 114, § 10.

ANNOTATIONS

Authority of director to consider qualifications of instructors. — In exercising his authority to certify by waiver, the director should take into account the qualifications of instructors to determine if another basic law enforcement training program is comparable to the academy program. In that context, the director and the board are authorized to review and consider the qualifications of instructors at facilities not otherwise under the control of the law enforcement academy board. 1982 Op. Att'y Gen. No. **82-10**.

29-7-11. Repealed.

ANNOTATIONS

Repeals. — Laws 1991, ch. 44, § 3 repealed **29-7-11** NMSA 1978, as enacted by Laws 1988, ch. 58, § 5, pertaining to the law enforcement training center fund, effective July 1, 1991. For provisions of former section, see the 1990 NMSA 1978 on *NMOneSource.com*. For present comparable provisions, see **29-7-12** NMSA 1978.

29-7-12. Charges; fund created; use.

A. The division shall not charge local public bodies or New Mexico Indian tribes or pueblos for any expenses associated with providing basic law enforcement training programs to applicants for certification seeking commission pursuant to the provisions of the Law Enforcement Training Act. The division may charge state agencies and institutions and federal agencies and shall charge civilian participants for the cost of providing basic law enforcement training programs, which charges shall be specified in a tuition and fee schedule promulgated by the board and shall not exceed the actual cost of providing the training programs.

B. The division may charge state agencies and institutions, local public bodies, New Mexico Indian tribes and pueblos and federal agencies and shall charge civilian participants for the cost of providing advanced training programs, which charges shall be specified in a tuition and fee schedule promulgated by the board and shall not exceed the actual cost of providing the training programs.

C. The division may charge for the rental or other use of the academy's facility, personnel and equipment, which charges shall be specified in a tuition and fee schedule promulgated by the board and shall not exceed the actual cost of the facility, personnel or equipment.

D. The "law enforcement training and recruiting fund" is created in the state treasury. Money received by the division for activities specified in this section shall be deposited in the fund. The department of public safety shall administer the fund, and money in the fund is appropriated to the division to offset the operational costs of the division. Money in the fund shall be nonreverting. Money

shall be expended on warrants issued by the secretary of finance and administration upon vouchers signed by the secretary of public safety or the secretary of public safety's authorized representative.

E. As used in this section, "local public body" means all political subdivisions of the state and their agencies, instrumentalities and institutions.

History: 1978 Comp., § 29–7–12, enacted by Laws 1981, ch. 114, § 12; 1983, ch. 270, § 1; 2000, **ch. 14, § 1**; 2015, **ch. 3, § 26**.

ANNOTATIONS

Cross references. — For department of public safety, see **9-19-1** NMSA 1978.

The 2015 amendment, effective July 1, 2015, provided for the reorganization of the department of public safety by amending language relating to the New Mexico law enforcement academy's charges for providing law enforcement training programs; in Subsection A, after "The", deleted "training and recruiting", after "division", deleted "of the department of public safety", after "bodies", deleted "and" and added "or", after tribes, deleted "and" and added "or", and after "promulgated by the", deleted "New Mexico law enforcement academy"; in Subsection B, after "The", deleted "training and recruiting", and after "promulgated by the", deleted "New Mexico law enforcement academy"; in Subsection C, after "The", deleted "training and recruiting", and after "promulgated by the", deleted "New Mexico law enforcement academy"; and in Subsection D, after "Money received by the", deleted "training and recruiting", after the second sentence, deleted the sentence "Unexpended unencumbered balances in the fund shall revert to the general fund at the end of the fiscal year." and added the new sentence "Money in the fund shall be nonreverting.", and after "public safety", deleted "his" and added "the secretary of public safety's".

The 2000 amendment, effective May 17, 2000, added "Fund created; Use" to the section heading; designated most of the existing provisions of the section as Subsection A; in Subsection A, substituted "training and recruiting division of the department of public safety" for "New Mexico law enforcement academy", substituted "and" for "or" following "local public bodies" and "New Mexico Indian tribes", and added the last sentence; added Subsections B, C and D; and designated the former last sentence of the section as Subsection E.

29-7-13. Refusal, suspension or revocation of certification.

A. After consultation with the employing agency, the board may refuse to issue, or may suspend or revoke a police officer's certification when the board determines that a person has:

- (1) failed to satisfy the qualifications for certification, set forth in Section **29-7-6** NMSA 1978;
- (2) committed acts that constitute dishonesty or fraud;
- (3) been convicted of, pled guilty to or entered a plea of no contest to:
 - (a) any felony charge; or

(b) any violation of federal or state law or a local ordinance relating to aggravated assault, theft, driving while under the influence of intoxicating liquor or drugs, controlled substances or any law or ordinance involving moral turpitude;

(4) knowingly made any false statement in his application for certification.

B. The board shall develop, adopt and promulgate administrative procedures for suspension or revocation of a police officer's certification that include notice and an opportunity for the affected police officer to be heard as well as procedures for review of the board's decision.

History: 1978 Comp., § 29-7-13, enacted by **Laws 1993, ch. 255, § 10.**